

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. <u>2:05-CR-0120-LSC</u>
)	
RENTHLIS EARL CRENSHAW)	

**UNOPPOSED MOTION FOR LEAVE TO DISMISS INDICTMENT AND
PLEA AGREEMENT**

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files the above-styled motion as follows:

1. On May 25, 2005, a federal grand jury indicted the defendant (“Crenshaw”) on one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). (Doc. #1). In that indictment, the firearm with which Crenshaw was charged with possessing was described as “a New England (Waymond Williams), model Pardner, 12 gauge shotgun, serial number NF364340.” Id.

2. On February 3, 2006, Crenshaw pled guilty to the above-referenced charge, pursuant to a plea agreement. The plea agreement contained in its factual basis the admission by Crenshaw that he possessed the firearm described in the Indictment, namely, “a New England (Waymond Williams), model Pardner, 12 gauge shotgun, serial number NF364340.” (Doc. #34). Consistent with that factual basis, the defendant admitted in his plea colloquy that the firearm he possessed was a 12 gauge, model Pardner, New England shotgun, as was described in the indictment.

3. Subsequent to the acceptance of Crenshaw’s guilty plea, the case agent in this matter attempted to obtain the firearm from the local law enforcement agency that originally obtained and stored the firearm after Crenshaw’s arrest. The case agent’s purpose in obtaining the firearm was, pursuant to the plea agreement, to take possession of the firearm for forfeiture in accordance with

the forfeiture allegation in the Indictment. In attempting to obtain the firearm, the case agent learned that the firearm was improperly identified in the indictment. The firearm that was seized from Crenshaw was actually an Iver Johnson, Model Champion, 12 gauge shotgun, Serial Number 75038A.

4. Thus, out of an abundance of caution, the United States moves this Court for leave to dismiss, without prejudice, the indictment filed in this matter as well as the plea agreement which was previously filed. The United States will then file an Information and a revised plea agreement, both of which will accurately describe the firearm and an admission in the plea agreement that the firearm moved in interstate commerce.

6. Counsel for Crenshaw does not object to the filing of a subsequent information and a revised plea agreement, both accurately describing the firearm possessed by Defendant in this case.

7. Both parties agree that, because the only change in the prior indictment, and the information to be filed, is the physical description of the shotgun, the May 24, 2006, sentencing hearing can proceed.

Respectfully submitted this the 22nd day of May, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Todd A. Brown
TODD A. BROWN
Assistant United States Attorney
Post Office Box 197
Montgomery, Alabama 36101-0197
(334) 223-7280
(334) 223-7135 fax
ASB-1901-O64T
Todd.Brown@usdoj.gov

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jennifer A. Hart, Esq.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Todd A. Brown
TODD A. BROWN
Assistant United States Attorney
Post Office Box 197
Montgomery, Alabama 36101-0197
(334) 223-7280
(334) 223-7135 fax
ASB-1901-O64T
Todd.Brown@usdoj.gov